

# **EXHIBIT 9**

## **Filed Under Seal**

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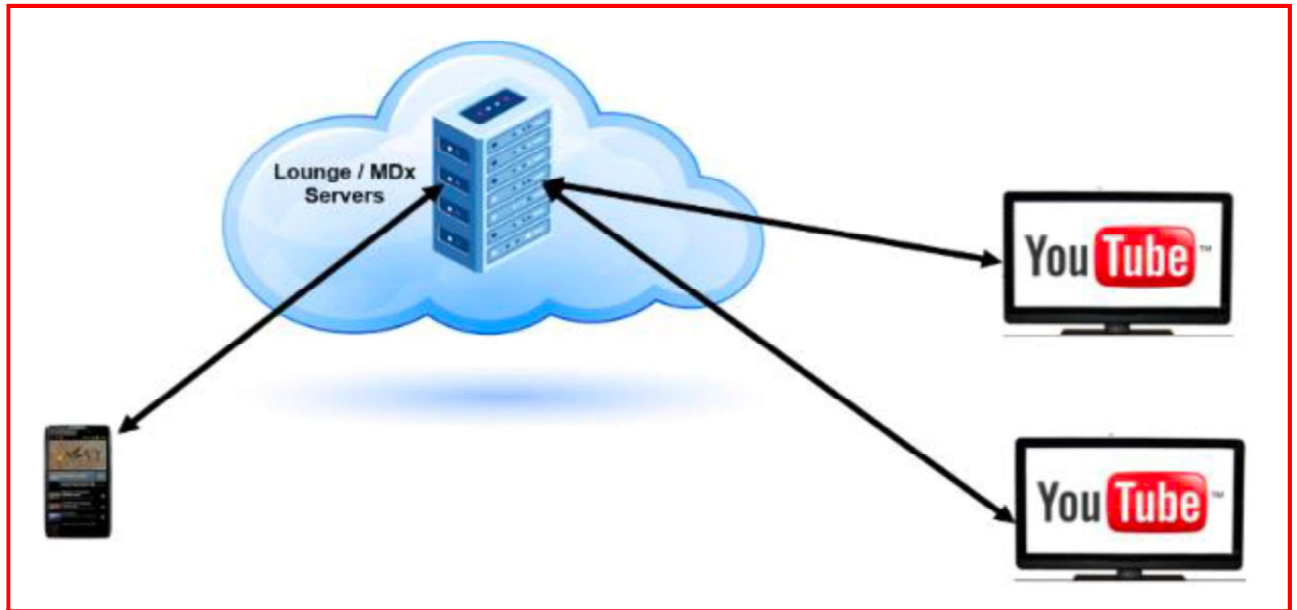
*Attorneys for Sonos, Inc.*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

GOOGLE LLC,  
  
Plaintiff and Counter-defendant,  
  
v.  
  
SONOS, INC.,  
  
Defendant and Counter-claimant.

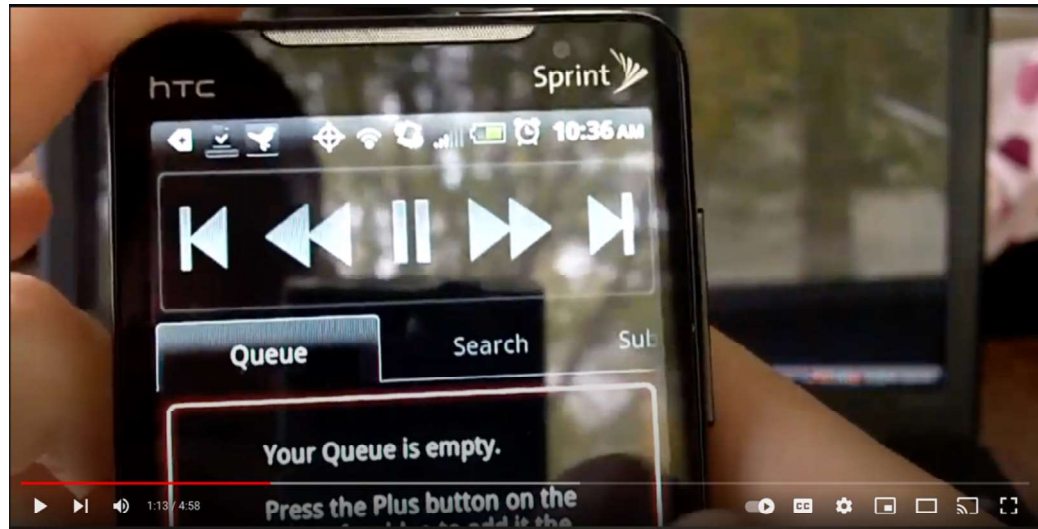
Case No. 3:20-cv-06754-WHA  
Related to Case No. 3:21-cv-07559-WHA

**REBUTTAL EXPERT REPORT OF  
DOUGLAS C. SCHMIDT**

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170. It is also important to note that only “videoIDs” are maintained in the playback queues on the remote controls and Leanback Screens. Bhatta. Op. Report, ¶¶193-97; GOOG-SONOSWDTX-00040194; Levai Dep. Tr. (May 4, 2022), 46:25-54:9; RealPlaystatePushService.java, Ins. 41-350 (57, 137-47) (bigScreenPlaylist); LeanbackModule.as, Ins. 167, 668-77, 682-705, 1015-50; LeanbackV2Module.as, Ins. 541-46; Dashboard.as, Ins. 137, 143-48; Stations.as, Ins. 15, 20-222. Each videoID is an “internal identifier to a video” that “represents a video” and is used to access a video on a “Bandaaid” server that is different than the Lounge Server. Levai Dep. Tr. (May 4, 2022), 46:25-54:9; *see also* Levai Dep. Tr. (May 4, 2022), 52:1-6 (“I can say that the videoID is kind of like an internal identifier to a video, and it -- it represents a video.”); Levai Decl., ¶3 (“Videos were played back on the television by retrieving them from Bandaaid content servers in Google’s Content Delivery Network.”). The Bandaaid server does not maintain any YTR playlists or queues.

171. In the YTR System, a remote control is used to create a playback queue that is stored locally on the remote control. *See* Bhatta. Op. Report, ¶165 (“The YTR application allowed users to create queues of videos.”). As shown below in images from Video #5 (GOOG-SONOSNDCA-00071317) on the left and Video #6 (GOOG-SONOSNDCA-00071318) on the right, the “Queue” on the remote control starts out “empty”:

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GOOG-SONOSNDCA-00071317 at 1:13; GOOG-SONOSNDCA-00071318 at 1:41. A user then uses the remote control to search for one or more videos on YouTube and, if desired, to select such videos for play back by adding them (i.e., “Press the Plus button”) to the playback queue stored locally on the remote control. *See id.*, ¶167 (“For instance, the YTR application received ‘recommended’ videos from the YouTube servers, and could also retrieve a list of videos using the search function to create a channel.”); *id.*, at ¶273 (“The presentation explains that users ‘quickly figured out how to add videos to their queue’ using the YTR application.”); GOOG-SONOSNDCA-00075619 (“Overall, participants were excited about the app and felt it was easy to queue up videos to watch . . . The most popular anticipated use case was queuing up videos to watch when having a party. . . .”). Instead of searching for videos to play back, YouTube may also “recommend” videos that, if desired, a user can select for playback by adding such videos (i.e., pressing the plus button next to the recommended video) to the playback queue stored locally on the remote control. *Id.* Thus, whether a user finds a video on his or her own, or that video is recommended to the user, the user must affirmatively select the video for play back by choosing to add it to the local playback queue on the remote control. Bhatta. Op. Report, ¶166 (“For example, the image on the left below shows a YTR application prompting a user to ‘press the plus button on the right of a video to add it to the queue.’”). In other words, the local playback queue on the remote control is not auto-

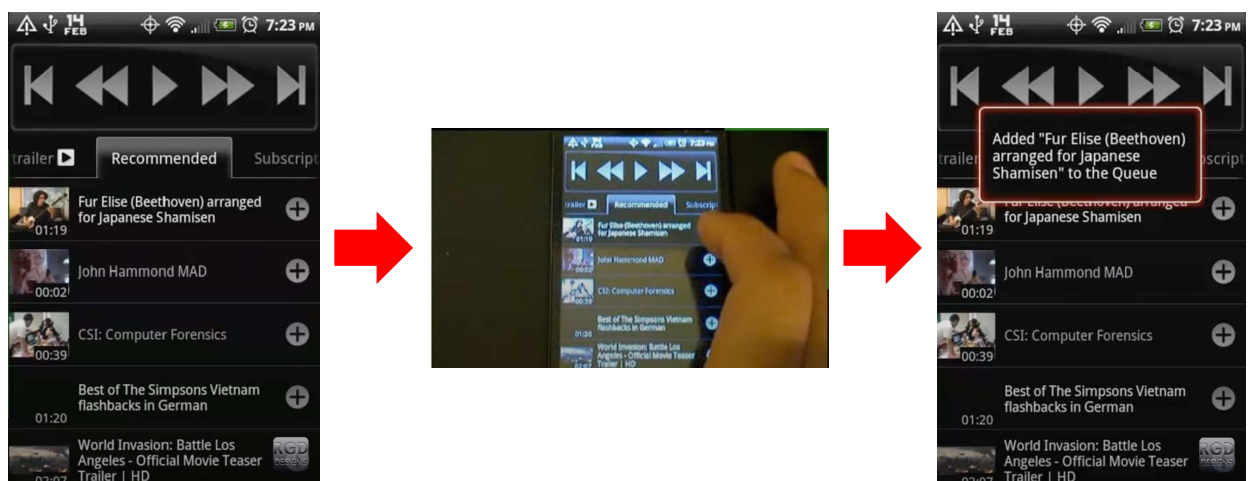
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populated with any videos – a user must add them.

172. As Dr. Bhattacharjee notes, Video #3 (GOOG-SONOSNDCA-00071319) shows how a user manually adds videos to the local playback queue on his remote control. Bhatta. Op. Report, ¶166 (“Video #3 at 0:34-0:50 (showing user adding items to the queue)”). As shown below in the image on the left, the user is selecting two episodes of the “Top Gear” TV show by pressing the plus button next to each video, while the image on the right shows these two videos have been added to the queue:



*Id.*; see also Video #4 (GOOG-SONOS-WDTX-INV-00015102) at 2:57-3:00 (“You can also add items to a queue.”). The same process for manually adding recommended videos to the local playback queue on the remote control is shown below in the images from Video #6 (GOOG-SONOSNDCA-00071318):



Video #6 (GOOG-SONOSNDCA-00071318) at 1:44-1:50.

173. In the YTR System’s standalone mode, each remote control/mobile device played

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Dated: January 13, 2023



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DOUGLAS C. SCHMIDT